

January 9, 2007

The regular meeting of the Andover Township Land Use Board was called to order at 7:39 p.m. on Tuesday, January 9, 2007 by Thomas Germinario, Esq.

Present: Members Thomas Walsh, Class I
 Gerald Huelbig, Class II
 Gail Phoebus, Class III
 Diana Boyce
 Stan Christodlous
 Michael Crane
 Lois deVries
 Suzanne Howell
 Michael Lensak
 Attorney Thomas J. Germinario, Esq.
 Engineer Joseph Golden, P.E.
 Planner Russell Stern
 Secretary Mary Spector
Absent: Ron Raffino, Alt. 1

REORGANIZATION – The Attorney called for nominations for Board Chairman. A motion was made by deVries, seconded by Howell, to nominate Stan Christodlous as Chairman. There were no further nominations. In favor: Crane, Howell, Lensak, Phoebus, Walsh, deVries, Huelbig, Boyce, Christodlous. Opposed: None. Motion carried. Christodlous then took the Chair and called for nominations for the following:

VICE-CHAIRMAN - A motion was made by deVries, seconded by Howell, to nominate Michael Crane as Vice-Chairman. There were no further nominations. In favor: Crane, Howell, Lensak, Phoebus, Walsh, deVries, Huelbig, Boyce, Christodlous. Opposed: None. Motion carried.

SECRETARY - A motion was made by deVries, seconded by Crane, to nominate Mary Spector as Secretary. There were no further nominations. In favor: Crane, Howell, Lensak, Phoebus, Walsh, deVries, Huelbig, Boyce, Christodlous. Opposed: None. Motion carried.

OPEN PUBLIC MEETINGS ACT RESOLUTIONS - A motion to adopt a resolution for 1) setting a meeting schedule and 2) cost for copies of the agenda was made by Phoebus, seconded by Lensak. No further discussion. In favor: Crane, Howell, Lensak, Phoebus, Walsh, deVries, Huelbig, Boyce, Christodlous. Opposed: None. Motion carried.

LOCAL PUBLIC CONTRACTS LAW RESOLUTION - Setting of fees for Board Attorney, Board Engineer, Board Planner, and Special Projects Planner. A motion was made by Walsh, seconded by Phoebus, to adopt this resolution setting fees for Board professionals. No further discussion. In favor: Crane, Howell, Lensak, Phoebus, Walsh, deVries, Huelbig, Boyce, Christodlous. Opposed: None. Motion carried.

BOARD COMMITTEES – Christodlous asked for volunteers to serve on Board subcommittees. DeVries, Boyce and Christodlous will serve on the Review Committee. Phoebus, Boyce and Huelbig will serve on the Ordinance subcommittee and deVries, Walsh, Christodlous and Crane will serve on the Master Plan/COAH subcommittee. Howell, Huelbig and Lensak will serve on the Zoning Review Committee.

EXECUTIVE SESSION – A motion was made by Crane, seconded by Walsh to go into closed session at 7:50 p.m. for discussion of potential litigation. In favor: Crane, Howell, Lensak, Phoebus, Walsh, deVries, Huelbig, Boyce, Christodlous. Opposed: None. Motion carried. The Board came out of executive session at 9:14 p.m.

RECESS – The Chairman called a recess from 9:14 p.m. to 9:22 p.m.

HOUSING ELEMENT – The Chairman called for questions or comments on the proposed contract for a revised Housing Element & Fair Share Plan. The planner, Chuck McGroarty, stated he will not redo what has already been done. Some of the material needs to be revised. He stated the contract calls for a maximum fee of \$10,000 and it could be less. He noted the length of time needed would depend on how soon the Board determines how they will meet the obligation. Once that is decided the process will move quickly. He foresees a timeline of three months.

McGroarty stated the Board needs to discuss with him the specifics of where the affordable housing will be located and the necessary zoning to achieve the goals. Stern noted 20% of the Housing Trust Fund can be spent on administrative costs. McGroarty pointed out the Housing Element and Fair Share Plan work will complement the efforts on the Master Plan. The Chairman confirmed this funding was included in the budget request for this year. McGroarty estimated they would need seven meetings with the Township which includes four meetings with the COAH subcommittee. A motion was made by Walsh, seconded by Phoebus, to approve the contract with Banisch Associates for work on the Housing Element and Fair Share Plan. In favor: Crane, Howell, Lensak, Phoebus, Walsh, deVries, Huelbig, Boyce, Christodlous. Opposed: None. Motion carried.

RAY KEENAN – Bl. 5, Lot 79.02, R-3.0, Andover-Mohawk Rd., minor subdivision, request for extension. The applicant, Ray Keenan, was sworn in. He explained he needs additional time to obtain wetland permits from the DEP. Germinario stated the applicant has 190 days to file deeds of minor subdivision following Board approval. The Municipal Land Use Law (MLUL) gives the Board the authority to extend the approval when necessary. He noted it is a condition of the resolution of approval that the deeds are not to be filed until the applicant receives DEP approval. He suggested the Board allow a one year extension with the condition that the fee for affordable housing be subject to the ordinance in effect at the time the building permit is issued. Keenan affirmed the sight distance will be kept clear. Golden stated the County is also asking for the DEP permit. He doesn't see a problem with granting the extension. A motion was made by Howell, seconded by Lensak, to approve the extension of the Keenan minor subdivision for one year. In favor: Howell, Lensak, Phoebus, Walsh, Christodlous. Opposed: Crane, deVries, Huelbig, Boyce. Motion carried.

CHELBUS – Bl. 106, Lot 20, CB zone, Newton-Sparta Rd., site plan waiver. The applicant, John Chelbus, was sworn in. It was noted the application was reviewed by the Review Committee for completeness. A motion was made by Boyce, seconded by Phoebus, to find the application complete. In favor: Crane, Howell, Lensak, Phoebus, Walsh, deVries, Huelbig, Boyce, Christodlous. Opposed: None. Motion carried.

Chelbus stated he purchased the property which had been a single family residence in June of last year. He had a commercial office in Hamburg for 20 years. He told the Board cosmetic renovations were done including a new roof, siding and a new oil tank. He squared off the driveway for easier access and turn-around. There is a two-car garage where he parks his car. A supplier comes once a week. He has one secretary. Ten to twelve employees stop by to pick up their paychecks. He has no toxic chemicals on site. The well is behind the garage. He doesn't use the building as a residence. The sign out front is behind the setback and is 28 sq. ft. A motion was made by Walsh, seconded by Huelbig, to approve the application of John Chelbus for site plan waiver. In favor: Crane, Howell, Lensak, Phoebus, Walsh, deVries, Huelbig, Boyce, Christodlous. Opposed: None. Motion carried.

THE MEWS – Germinario stated the applicant's attorney had called him to explain that the notices to property owners within 200 ft. had not been mailed out due to an oversight by the office secretary. Germinario pointed out the Board does not have jurisdiction to hear the application without property notice as required by the MLUL. It was decided to reschedule the hearing for February 6, 2007.

DeVries stated the Board is giving the applicant a de facto extension. She noted the Environmental Commission submitted a report in July with subsequent revisions and they have spent many volunteer hours researching this application. Germinario stated the applicant has a right to be heard. The burden of proof is on the applicant to show why the application should be extended. Boyce stated she has observed work being done on the property. Golden stated the applicant has been doing geotechnical investigations on the Hovnanian site.

OPEN TO PUBLIC – There were no comments from the public at this time.

MINUTES - December 5, 2006. A motion was made by Howell, seconded by Boyce, to approve the minutes as distributed. In favor: Crane, Howell, Phoebus, deVries, Huelbig, Boyce, Christodlous. Opposed: None. Abstained: Lensak, Walsh. Motion carried.

VOUCHERS - See Schedule A. A motion was made by Lensak, seconded by Phoebus, to approve the vouchers submitted, as discussed. All in favor. Motion carried.

MATERIAL RECEIVED, GENERAL INFORMATION - See Schedule A.

RESOLUTIONS – Resolutions adopted during this meeting are made a part of these minutes by referral to the specific file.

ADJOURNMENT - Time 10:27 p.m. A motion was made by Walsh, seconded by Phoebus, to adjourn. All in favor. Carried unanimously.

Respectfully submitted,

Stan Christodlous, Chairman

Mary Spector, Secretary